

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,

PLAINTIFF

v.

JON B. GILLESPIE,

DEFENDANT

CIVIL No. 09-474-P-H

**ORDER AFFIRMING THE RECOMMENDED DECISION
OF THE MAGISTRATE JUDGE**

Over objection and upon *de novo* review, I **AFFIRM** the Magistrate Judge's Recommended Decision that the United States' motion for summary judgment should be granted in this student loan case. The Magistrate Judge has thoroughly explained the reasons why the motion must be granted, despite the borrower's difficult circumstances. I add only that the borrower's assertion that a person at the Department of Education stated orally in 2005 that "at a later time" he would accept the borrower's offer to pay a smaller amount, when the borrower was "more flush," does not alter the outcome. The borrower has shown neither that he ever made the offer nor that it was accepted. Moreover, as the United States has shown in response, the borrower has not even begun to make out a case for estoppel against the government.

The motion for summary judgment is **GRANTED**.

SO ORDERED.

DATED THIS 3RD DAY OF MAY, 2010

/s/D. BROCK HORNBY

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE